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5. Confidential Business
Nil



The Chairman declared the meeting open at 7pm and advised members of the public gallery that the Planning and Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 17 July 2018.

Moved: Cr Long

Seconded: Cr Evans (Mayor)

That the minutes of the Planning & Amenity Committee Meeting held on 17 July 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision



**4.1 15 ROODING STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/565 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/174825

It is recorded that Mr Jason Barnfather spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Issue a **Support** the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/565** for the land known and described as **15 Rooding Street, Brighton**, for the **construction of a three storey building comprising five dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
 - a) The reallocation of car spaces to provide for two visitor spaces.
 - b) The removal of the existing trees along the western boundary.
 - c) *...Deleted...*
 - d) The front walls of the building are to be setback a minimum of 5.6 metres.
 - e) Diagrams that show full compliance with Standard B22 of ResCode for all balconies above ground floor. Whilst planter boxes can be utilised, they must not be reliant upon the heights of any proposed plants (i.e. the box structure itself must address the overlooking requirements).
 - f) The removal of the pedestrian gates along the frontage that lead to the building entrance.
 - g) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - h) Evidence of compliance with standard B41 of clause 55.
 - i) Signage in the visitor parking bay that no parking is permitted during the Waste Management pick up period (as identified in the Waste Management Plan at condition 23). This applies only to the one space required for manoeuvrability.
 - j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - k) Evidence of payment of the Development Contribution requirement at condition 25.

- l) Reduction of front fence to 1.5 metres to comply with Standard B32 of Clause 55 of the Bayside Planning Scheme.
- m) All air conditioning units located within the basement level.
- n) Provision of a 2.1 metre high common boundary fence between 13 Rooding and 15 Rooding Street.
- o) Provision of 1.8 metre high fixed obscure glass screening to be provided to the kitchen, bedroom 2 and western edge of the balcony of Dwelling 4.
- p) Provision of a 4.0 metre (minimum) setback to the first floor walls from the northern boundary, with no change to the balcony setbacks.
- q) Provision of a 1.8 metre (minimum) setback to the first floor walls from the western property boundary.
- r) Deletion of the deck to the north of Apartment 5 at the second floor level and provision of fixed screening to windows along this elevation to a height of at least 1.7 metres.
- s) Provision of a 4.5 metre setback to the study of Apartment 5 at the second floor level from the western boundary and deletion of the deck to the west of this study.
- t) Provision of a 1.7 metre fixed screen to the northern and western edges of the decks associated with Apartment 5, excluding the front corner of the building (2.2 metre setback from the front façade).
- u) Provision of a 1.8 metre fixed obscure screen to the west facing study window of Apartment 5.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.



9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, dated October 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
 - f) The removal of the existing trees along the western boundary, replaced with new screen trees to the satisfaction of the Responsible Authority.
 10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
 13. The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:
 - Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
 - Comment on methods to be utilised and instruction on how to deploy them;
 - Comment on when the protection measures are to be deployed;
 - Comment on when the protection measures can be modified;
 - Process that will be followed if any damage occurs to a tree;
 - Process that will be followed if construction works require alteration to protection measures outlined in report; and
 - Stages of development at which inspections will occur.
- Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must

be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.
17. A tree protection fence is required for the protection of any remaining street tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
19. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
20. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.



21. All ancillary works and features associated with car parking as shown on the endorsed plans (i.e. convex mirror) must be installed and fully maintained at all times.
22. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
23. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) Dimensions of storage waste areas.
 - b) Storm water drains in storage areas should be fitted with a litter trap.
 - c) The number and size of bins to be provided.
 - d) Facilities for bin cleaning.
 - e) Method of waste and recyclables collection.
 - f) Types of waste for collection, including colour coding and labelling of bins.
 - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - h) Method of hard waste collection.
 - i) Method of presentation of bins for waste collection.
 - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - l) Strategies for how the generation of waste and recyclables will be minimised.
 - m) Compliance with relevant policy, legislation and guidelines, including standard B45.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

24. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.



- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
25. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.
- The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable.
26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.



- b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$3,747.93 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED

**4.2 48 HEATH CRESCENT, HAMPTON EAST
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/500 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/170774

It is recorded that Mr Hadi Zadeh spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application **2017/500** for the land known and described as **48 Heath Crescent, Hampton East**, for the **construction of three dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Designworx architects, project number 1721, date August 2017 and revision number A but modified to show:
 - a) A plan showing that the mandatory garden area is met.
 - b) Setback of the garage of Unit 1 from western boundary a minimum of 2 metres.
 - c) Setback first floor of Unit 3 from the rear boundary to comply with Standard B17 as varied by the Schedule to the zone in the Bayside Planning Scheme (with a reduction allowed to the retreat and bedroom 2 separation between first floor elements within the development of no less than 2.5m).
 - d) The provision of a fence at the cost of the permit holder of a minimum height of 2m plus 400mm lattice extension along the common boundary with No 50 Heath Crescent. The section of fence adjacent to the private open space of Unit 1 is to be an acoustic fence with no gaps.
 - e) The provision of an acoustic fence at the cost of the permit holder with no gaps to the common boundary with 2 Nepean Avenue to match the height of the existing fencing on the southern boundary of No. 2 Nepean Avenue so that fencing is of a consistent height along this boundary.
 - f) The master bedroom of Unit 2 to be setback a minimum of 500mm from the walk in robe alignment.
 - g) The upper storey master bedrooms of Units 1 and 2 to be lighter in colour and the ground floor darker in colour (reverse the colour scheme) maintaining the darker element to the stairwells at first floor.
 - h) A 3m wide garage door to be provided for each townhouse.
 - i) A new 3m wide vehicle crossing to be constructed with 1m offset from the eastern boundary. The existing crossover to be removed.

- j) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
- k) A angled roof to the rear section of Units 1 and 2 with a flat roof to the front section for a distance of about 6 metres from the front elevation of these units.
- l) A Landscaping Plan in accordance with Condition 10 of this permit.
- m) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- n) Setback the car space and garage for Unit 3 from the Nepean Avenue frontage a minimum distance of 5m.
- o) Provide turning circles by a qualified traffic engineer for the western car space that demonstrate that a car can exit the space in a forward direction.
- p) Provide comparative turning circles prepared by a qualified traffic engineer for the garage for Unit 3 demonstrating that the movement is no worse than the existing garage.
- q) To show the location of the trees within the front setback of No. 50 Heath Crescent within 3m of the common boundary.
- r) A section showing the detail of the vertical screening to the north facing bedroom 1 window of Unit 3 demonstrating compliance with Standard B22 of Clause 55 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 / Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:



- a) The type of water sensitive urban design stormwater treatment measures to be used.
- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a revised landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by eeDe Studio, Job number 171106, dated 21-11-2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) Details of surface finishes of pathways and driveways
 - e) A evergreen canopy tree in the north east corner of the private open space of Unit 3 capable of growing to a height of 3m planted at a minimum height of 1.2m.
 - f) A row of evergreen screen planting (such as Photinia robusta or similar species) along the west side of the private open space of Unit 1 capable of growing to a minimum height of 3 metres.
 - g) The provision of three small fastigate trees along the western side of the driveway for Unit 1.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree



Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the Tree 13 and any trees in the front yard of No. 50 Heath Crescent within 3m of the common boundary as shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

16. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
17. Soil excavation must not occur within 2.5 metres from the edge of the Dianella Revoluta street tree asset's stem at ground level.

Drainage

18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
19. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.



The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

21. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

CARRIED



**4.3 43 WILLIS STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2013/343/2 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/138950

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 5/2013/343/2.
2. Plans identified as TPO4 Rev D, TPO6 Rev D and TPO9 Rev D prepared by Finnis Architects and dated June 2013 and January 2014 be endorsed. These plans are to be read in conjunction with other currently endorsed plans.
3. Plans labelled as Sheets 4, 6 and 9 of 10 endorsed on 26 May 2014 be superseded.

CARRIED

**4.4 47 SERVICE STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2007/843/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/173457

Moved: Cr Long

Seconded: Cr Castelli

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2007/843/1.
2. Plans identified as Ground Floor Plans, prepared by Leon Meyer Architects and site plan, prepared by Momentum Pools dated 22/5/2018 be endorsed. These plans are to be read in conjunction with all other currently endorsed plans.
3. Ground floor Plans endorsed on 3/8/2010 be superseded.

CARRIED

**4.5 7 WARD STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/344/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/171690

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2018/344** for the land known and described as **7 Ward Street, Beaumaris**, for **the removal of four native trees in a Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
 - a) Replacement planting of four indigenous trees capable of reaching 10 metres tall and 6 metres wide at maturity.
All to the satisfaction of the Responsible Authority.
2. No additional trees as shown on the endorsed plans are to be removed without the prior written consent of the Responsible Authority.
3. Unless with the further written consent of the Responsible Authority the replacement planting as shown on the endorsed plan must be undertaken within 6 months of the trees being removed.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Permit Expiry

5. This permit will expire if the vegetation removal is not completed within two years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

CARRIED

**4.6 238 WERE STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/5/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/174658

It is recorded that Mr Stuart Redmond spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2018/5/1** for the land known and described as **238 Were Street, Brighton East** for the **construction of two dwellings including basement car park and a front fence over 1.2m in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Raymond Design, referenced TP01-TP12, date August 2017 but modified to show:
 - a) Full compliance to be achieved with Standard B17 of Clause 55 .
 - b) Removal of the existing trees on site.
 - c) Redesigned pedestrian access path to both dwellings with a more natural material and finish to reduce the concrete appearance to the streetscape.
 - d) Provision of skylight windows to each kitchen and living room of both dwellings.
 - e) Internal fencing heights nominated to demonstrate compliance with Standard B23 (Internal Views).
 - f) Evidence that the basement does not exceed 1.2m above natural ground level at any point.
 - g) A minimum of 4.8m wide garage door to be provided to each garage.
 - h) The main ramp grade for townhouse 1 to be altered to 1 in 6.2.
 - i) Each ramp where it intersects with the footpath to be increased to 3.6m wide.
 - j) Reduction of the size of each crossover to 3.0m with a separation of 7.2m in order to provide an on-street car space.
 - k) Adequate slight lines are to be provided at the top of each ramp in accordance with Clause 52.06-8 of the Bayside Planning Scheme.
 - l) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

- m) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- n) An updated Water Sensitive Urban Design measures in accordance with Condition 8 of this permit if applicable.
- o) A Landscaping Plan in accordance with Condition 10 of this permit.
- p) A Drainage Contribution Levy in accordance with Condition 17 of this permit.

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

- 8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- 9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.



Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts Landscape Design, Revision B, dated March 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways. The proposed pathways is required to be revised in accordance with Condition 1b.
 - f) The tree planting zone must be shown on the landscape plan in accordance with the Bayside City Council, Landscape Guidelines 2016, Appendix 2, p.29.
 - g) Two canopy trees in front setback which have the capacity to reach a mature height of 10m in accordance with Bayside City Council, Landscape Guidelines 2016.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street tree protection

13. Before the development starts, tree protection fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
14. There is to be no soil excavation within 2 metres of the street tree asset measured from the edge of the trunk.

Drainage

15. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
16. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

Development Contributions Levy

17. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".

CARRIED

**4.7 204 ESPLANADE, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/805/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/155448

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/805/1** for the land known and described as **204 the Esplanade, Brighton**, for the **construction of two dwellings on a lot (above basement level), construction of a roof deck on land affected by Design and Development Overlay (Schedule 1), alteration of access to a road in a Road Zone, Category 1 and a two lot subdivision on land affected by the Special Building Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the Keystone alliance Pty Ltd, Project L6270, Rev C, Date 28/03/18, Keystone alliance Pty Ltd, Project L6270, Rev B, Date 31/10/17, Travis Walton, Job No 230, Date April 2017, Dwg No TP001 Rev A, TP002 Rev A, TP100 Rev A to 104 Rev A, TP200 Rev A to 203 Rev A, TP300, 400, 500, 501 all Rev A but modified to show:
 - a) Changes as per the draft amended plans *Travis Walton, Job No 230, Date April 2017 TP100 Rev B, TP101-102 Rev C, TP103-201 Rev B, TP202 Rev C, TP301 Rev A and TP400 Rev B.*
 - b) Screening to the north and south facing living room windows in accordance with Standard B22 (Overlooking). All screening must be permanently fixed.
 - c) The lift cores of each dwelling setback a minimum 2 metres from the roof edge of the floor immediately below, with any consequential changes absorbed within the building envelope.
 - d) Sectional diagrams confirming RL's and ramp gradients.
 - e) Location of all plant and equipment. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - f) All air conditioning units to be located within the basement level.
 - g) The pool equipment to be acoustically screened and appropriately enclosed.
 - h) Reduction in the extent of decking and paving within the front and side setbacks of each dwelling to allow for greater landscaping opportunities.
 - i) The common wall between each dwellings roof decks to be a maximum height of 1.8 metres and acoustically treated.

- j) Any design changes to accommodate the retention of the *Cupressus sempervirens* tree located within the north–west corner of the site.
- k) Any design changes to accommodate the retention of the vegetation on adjoining properties.
- l) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
- m) Development Contributions requirements in accordance with Condition 11 of this permit.
- n) A Landscaping Plan in accordance with Condition 12 of this permit.
- o) A Tree Management and Protection Plan / Report in accordance with Condition 15 of this permit.
- p) A Construction Management Plan in accordance with Condition 18 of this permit.
- q) VicRoad Conditions in accordance with Conditions 19 to 21 of this permit.
- r) Melbourne Water requirements in accordance with Condition 22 to 25 of this permit.

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Water Sensitive Urban Design

- 7. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.



These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Drainage

9. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
10. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contribution

11. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Landscaping

12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The *Cupressus sempervirens* located within the north-west corner to be retained.
 - b) A reduction in paving to facilitate the required planting areas for replacement canopy trees in accordance with Bayside City Councils Landscape Guidelines (2016).
 - c) Sufficient soil volume for the *Gleditsia* 'Sunburst' located opposite the entry to Dwelling 1 to reach a mature height.
 - d) Tree protection zones (TPZ) for those neighbouring trees where their TPZ extends into the subject site.
 - e) Within the front setback of each dwelling:
 - o One (1) large replacement canopy tree with a minimum mature height of 12m or two (2) small replacement canopy tree species with a minimum mature height of 8 metres. Tree selections must be tolerant to the coastal environment.
 - f) Within the rear setback of each dwelling:
 - o One (1) large replacement canopy tree with a minimum mature height of 10m or two (2) small replacement canopy tree species with a



minimum mature height of 6 metres. Tree selections must be tolerant to the coastal environment.

- g) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - h) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - i) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - j) Details of surface finishes of pathways and driveways
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

15. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site) including the Cupressus sempervirens tree located within the north west corner) and for all trees on neighbouring properties (tree located to the south-east corner of 208 the Esplanade) where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
17. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Construction Management Plan

18. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be



endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

- a) A detailed schedule of works including a full project timing.
- b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
- d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
- e) Proposed traffic management signage indicating any inconvenience generated by construction.
- f) Fully detailed plan indicating where construction hoardings would be located.
- g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
- i) Site security.
- j) Public safety measures.
- k) Construction times, noise and vibration controls.
- l) Restoration of any Council assets removed and/or damaged during construction.
- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

VicRoads Conditions



19. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
20. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.
21. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6m inside the property to allow vehicles to store clear of the Esplanade pavement and footpath.

Melbourne Water Conditions

22. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
 - a) The basement car park must incorporate a flood proof apex constructed no lower than 3.75 metres to Australian Height Datum (AHD).
23. Finished floor levels of the dwellings must be constructed no lower than 3.75 metres to Australian Height Datum (AHD).
24. The basement must incorporate a flood proof apex constructed no lower than 3.75 metres to AHD.
25. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Subdivision

26. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
27. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
28. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
29. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
30. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can



demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

31. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
32. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
 - a) The development of Lots 1, 2 and Common Property indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2017/805/1 or any amendment to the plans approved by the Responsible Authority.

The agreement shall be prepared and executed at the owners cost.

Permit Expiry

33. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

34. This permit will expire if:
 - a) The plan of subdivision is not certified within two years of the date of this permit.
 - b) The plan of subdivision is not registered within five years of the original date of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.



- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- The applicable flood level is 3.45 metres to Australian Height Datum (AHD).
- For the purpose of the Building Code of Australia – Building in Flood Hazard Areas, Melbourne Water, as the relevant floodplain management authority has determined that the maximum flow rate of flood water (velocity) for this property is below 1.5 metres per second.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

CARRIED



**4.8 176 ESPLANADE, BRIGHTON
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 2016/257/2 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/172871

It is recorded that Mr Garry Williams via proxy Dale Crowhurst, Dr Paul Takac via proxy Ms Carolyn Takac, Mr Tim Wertheimer and Mr Frank Perry spoke for three minutes each in relation to this item.

Councillor Castelli left the Meeting at 8:03 pm. Councillor Castelli returned to the Meeting at 8:04 pm

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2016/257/1 for the land known and described as **176 Esplanade, Brighton**, for the **alterations and additions on a lot less than 500 square meters and a roof deck in a DDO1** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Crowhurst Building Design, drawing nos TP1-10 393 and TP Appendix 1 to 3 dated April 2018 and Landscape Concept Plan TP L1 of 1 prepared by Bayview Landscaping dated April 2018 but modified to show:
 - a) The roof deck setback a minimum of 2 metres from the roof edge immediately below on all sides, including the north side. The stairs can be modified to accommodate for this change, but the access structure must not encroach beyond the current front setback.
 - b) Deletion of the words 'raised roof section' and replaced with the word 'roof' and annotated to say that 'this area is not part of the roof deck'.
 - c) An increased southern side boundary setback at ground floor level of 2 metres and increased southern side boundary setback at first floor level of 2 metres which includes the first floor level balcony and increasing the dining room and kitchen walls setback from 3.2 to 4.2 metres with no other changes to the building footprint, other than existing walls which are to be retained.
 - d) Pantry window to be openable by not more than 150mm from the vertical position.
 - e) Compliance with Standard A15 of Clause 54 of the Bayside Planning Scheme including screening to 1.7 metres from the first floor level of the westernmost south facing lounge window.
 - f) Water sensitive urban design measures in accordance with Condition 4 of this permit.

- g) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - h) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - i) A Construction Management Plan prepared by a suitably qualified individual in accordance with Condition 8 of this permit.
 - j) A landscape plan showing:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant, **including their location**.
 - d) Details of surface finishes of pathways and driveways.
 - e) Planting of a *Banksia integrifolia* within the front setback of the dwelling **2 metres from the south boundary fence**.
2. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
4. Before the endorsement of plans pursuant to Condition 1 of this permit, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures.
- These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
5. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.



6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).



- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
9. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

Date Amended	Details
14 August 2018	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i>, involving:</p> <p>Amendment to the plans endorsed under the permit:</p> <ul style="list-style-type: none"> • Addition of ground floor ensuite extension to southwest corner of the dwelling. • The setback of the rear extension to the dwelling 1 metre from the southern property boundary. • The setback of both the first floor balcony and dining room wall 2 metres and 3.28 metres respectively from the southern boundary. • The setback of the first floor kitchen wall 2 metres from the southern boundary. • A reduction of the sill height of the first floor windows in the west elevation and the western end of the south elevation of the dwelling to 800mm above the finished first floor level. • An extension of the roof and thus the eave at the northwest corner of the roof of the dwelling. • The abutment of the roof deck to the title boundary with 178 Esplanade. <p>Delete conditions 1a and 1c.</p> <p>Vary condition 1j(c) to read:</p> <p>A planting schedule of all proposed trees and shrubs, including</p>



	<p>botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant, including their location.</p> <p>Vary condition 1j(e) to read:</p> <p>Planting of a <i>Banksia integrifolia</i> within the front setback of the dwelling a minimum of 2 metres from the south boundary fence.</p>
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THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

CARRIED



**4.9 519 BALCOMBE ROAD, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/63/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/170516

It is recorded that Mr Will Pearce spoke for three minutes in relation to this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

Issue a Notice of Decision to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/63/1** for the land known and described as **519 Balcombe Road, Black Rock**, for the **construction of three dwellings on a lot, a front fence exceeding 1.2 metres in height and alter access to a Road Zone, Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Pink Architecture referenced RFI SET, date stamped 4 April 2018 and revision date 20 March 2018 but modified to show:
 - a) Increase the ground and first floor front setback to Balcombe Road to a minimum of 6.7 metres to accord with Clause 55.03-1, Standard B6: Street Setback of the Bayside Planning Scheme without any further changes to the setbacks and absorbed within the building envelope.
 - b) Dwellings 1, 2 and 3 ground floor front setback to Keating Street increased to a minimum of 2.7 metres to accord with Clause 55.03-1, Standard B6: Street Setback of the Bayside Planning Scheme without any further changes to built form and absorbed within the building envelope.
 - c) Dwellings 1, 2 and 3 first floor rear western elevation to demonstrate compliance with Clause 55.04-1, Standard B17: Side and rear setbacks of the Bayside Planning Scheme without any further changes to built form and absorbed within the building envelope.
 - d) A notation specifying that the all obscure glazing is no more than 25% transparent to accord with Clause 55.04 -6, Standard B22 of the bayside Planning Scheme.
 - e) Internal fencing between the dwellings at ground floor to be nominated at a height of 1.8 metres to limits views between adjoining secluded private open space.
 - f) Dwelling 2 accessway setback increased to a minimum of 2 metres from Council street tree 4.
 - g) The ramp gradients to each accessway modified to a minimum of 1 in 10.

- h) Adequate sight lines where each driveway intersects with the front footpath in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Bayside Planning Scheme.
- i) A 2m x 2m corner splay to be provided at the north-east corner of the property and infilled with concrete to match the existing footpath.
- j) The Water Sensitive Urban Design measures as specified on the advertised STORM report and dated 13 November 2017 reflected on all development plans.
- k) A Landscaping Plan in accordance with Condition 9 of this permit.
- l) Development Contributions Levy in accordance with Condition 15 of this permit.

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

- 9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects – Revision A – dated 22.03.18, be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) All development changes.
 - b) The Water Sensitive Urban Design measures as specified on the advertised STORM report and dated 13 November 2017 reflected on all development plans.



10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street tree protection

12. Soil excavation must not occur within 2 metres from the edge of any Council street tree assets at ground level.
13. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
 - f) Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
 - g) Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
14. Street trees must not be removed, lopped, damage or pruned by any party other than Bayside City Council authorised tree care contractors.

Development Contribution

15. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Drainage

16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge



(and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

VicRoads

18. Prior to the commencement of the use of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to VicRoads and the Responsible Authority.

Permit Expiry

19. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for Works on Assets within the Road Reserve Policy 2018.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

CARRIED

**4.10 23 KINANE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/782 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/171531

It is recorded that Mr Dean Grant and Mr Jason Barnfather both spoke for three minutes each in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/782/1** for the land known and described as **23 Kinane Street Brighton**, for the **construction of three dwellings** on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Stonnington Residential Pty Ltd and Council date stamped 29 December 2017 but modified to show:
 - a) Deletion of all references to new boundary fencing on TP-03 and TP-04.
 - b) Deletion of the communal entry portico, with the pedestrian entrance gate setback 2.0 metres behind the façade of Dwelling 1.
 - c) Dwelling 1 courtyard 2, setback 5.8 from the southern property boundary (in-line with the southern edge of the light court).
 - d) Deletion of the first floor north-facing screens to bedroom 3 of dwellings 1 and 2. Demonstration that the remaining first floor privacy screens are compliant with Standard B22 (Overlooking) is required.
 - e) Provision of a window adjacent the entrance of each dwelling, with an orientation towards the communal pathway.
 - f) The eastern boundary walls associated with the portico's of each dwelling deleted.
 - g) The width of the secluded private open spaces associated with dwelling 1 and 2 increased to 5.9 metres.
 - h) The Dwelling 3 outdoor paved area changed to a decked area. A 2.0m landscaping strip is to be provided between the deck and the northern property boundary.
 - i) All air conditioning units to be located within the basement.
 - j) Location of all plant and equipment, including hot water services. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

- k) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- l) Water Sensitive Urban Design measures in accordance with Condition 8.
- m) A Landscaping Plan in accordance with Condition 10.
- n) Tree Management Plan and Tree Protection Plan in accordance with Condition 13.
- o) Construction Management Plan in accordance with Condition 24.
- p) Provision of the development contributions fee in accordance with Condition 25.

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

- 8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- 9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with



the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Tract, and Council date stamped 29 December 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) One large canopy tree in the front setback of dwelling 1 capable of reaching 12m in height at maturity.
 - b) One large canopy tree (10m in height at maturity) or two small canopy trees (6m in height at maturity) in the rear private open space of dwelling 3.
 - c) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - d) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The vegetation should be responsive to the sites coastal environment as identified in Neighbourhood Character Precinct C1.
 - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - g) Details of surface finishes of pathways and driveways
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:



- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
14. Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.
 15. If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.
 16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 17. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 18. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Street tree protection

19. Soil excavation must not occur within 2 metres from the edge of the *Ulmus parvifolia* (Chinese Elm) street tree asset's stem at ground level.
20. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

Drainage

21. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.



23. Council records indicate that there is a 1.22m wide drainage and sewerage easement along the East property boundary as indicated on the drawings provided. The plans indicate that 4 porticos shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The porticos shall be partially demountable over the easement, and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.

Construction Management Plan

24. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).



- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

Development Contribution

25. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

CARRIED

**4.11 20 HIGHETT ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/667 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/171700

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/667** for the land known and described as **20 Highett Road, Hampton**, for the **development of two double storey dwellings and associated works** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Viola Architecture referenced A0.00-A4.03, date May 2018 and revision number TP3 but modified to show:
 - a) Full compliance to be achieved with Standard B17 Clause 55 with respect to the eastern and western boundary.
 - b) The proposed double car port for dwelling 2 to be replaced with a single garage setback 2m from the eastern boundary.
 - c) Provision of a 3.6m wide vehicle crossing for dwelling 1 with a 1m offset from the western property boundary.
 - d) Remove the existing crossover and construct a 3.6m wide vehicle crossing for dwelling 2 with a 1m offset from the eastern property boundary.
 - e) Provision of adequate sight lines where each driveway intersects with the front footpath in accordance with AS2890.1.
 - f) The proposed driveway for dwelling 2 to be constructed at existing grade with no excavations within the Tree Protection Zone (TPZ) of the Brush Cherry (*Syzygium paniculatum*) located in the front garden of 22 Highett Road.
 - g) Relocation of the rain garden for dwelling 2 outside of the TPZ of the Brush Cherry (*Syzygium paniculatum*) located in the front garden of 22 Highett Road.
 - h) Deletion of the boundary fencing notations on the eastern, western and southern boundaries.
 - i) Details of internal fencing between the rear garden areas.
 - j) Details of the storage sheds for each dwelling in accordance with Standard B30 of the Bayside Planning Scheme.
 - k) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

- l) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- m) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- n) A Landscaping Plan in accordance with Condition 10 of this permit.
- o) Provision of the development contributions fee in accordance with condition 15.

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

- 8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- 9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.



Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) The provision of two (2) small canopy trees to reach a minimum height of 8 metres at maturity; or one (1) large canopy tree to reach a minimum height of 12 metres at maturity within the front setback of each dwelling.
 - e) The provision of two (2) small canopy trees to reach a minimum height of 6 metres at maturity; or one (1) large canopy tree to reach a minimum height of 10 metres at maturity.
 - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - g) Details of surface finishes of pathways and driveways
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Drainage

13. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
14. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contributions Levy

15. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.



Permit Expiry

16. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Council records indicate that there is no easement within the property.

CARRIED



**4.12 82-122 MARRIAGE ROAD, BRIGHTON EAST
(BRIGHTON SECONDARY COLLEGE)
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 1999/4617/2 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/170642

It is recorded that Mr Jeffery Curtis, Mrs Freda Curtis and Miss Alisia Simmons spoke for three minutes each in relation to this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council, having caused notice of **Planning Application No. 1999/4617/2** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Amend a Planning Permit** in respect of the land known and described as **82-122 Marriage Road, BRIGHTON EAST** for the **use of land for a minor sports facility** for the following reasons:

1. The proposed amendments will cause unreasonable amenity impacts to adjoining residential properties by way of increased noise, light spill and increased traffic.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Alex del Porto, James Long and Sonia Castelli (3)
 AGAINST: Crs Laurence Evans (Mayor), Michael Heffernan, Clarke Martin
 and Rob Grinter (4)

LOST

Moved Cr Heffernan

Seconded Cr Evans

That Council resolve to:

Issue a **Notice of Decision to Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 1999/4617/1** for the land known and described as **82-122 Marriage Road, Brighton East** (Brighton Secondary College) for the **use of land for a minor sports facility** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The use as shown on the endorsed plans shall not be altered without the written consent of the Responsible Authority.
2. Before the use starts, three copies of plans drawn to scale and dimensioned shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. Such plans shall be to the satisfaction of the Responsible Authority and generally in accordance with the plans submitted with the application but modified to show:

- a) Details of mounding and any other works associated with acoustic measures generally in accordance with Drawing No. F322/TPI by Crema Bahramis Architects dated June 1999 and Report No. 7683-1 dated March 1999 by Watson Moss Growcott Acoustics Pty Limited.
 - b) The designation of parking areas on the site. 17 cars space shown abutting the driveway leading from the Marriage Road into the site may be deleted.
 - c) A pedestrian path leading from the basketball court to the pitch and a gate to provide entry to the pitch area.
 - d) Details of all works associated with flood lighting.
 - e) Details of lighting to parking areas, pathways change rooms and toilets.
 - f) Details including all levels, and detail of any cut and fill and other earthworks.
 - g) Details, including elevations, of the proposed shelter.
 - h) The existing basketball court to the east of the sports field to be identified on the plans.
 - i) A 2.6 metre masonry rebound wall along or adjacent to the western edge of the basketball court, between the basketball court and the sports field. A coating to deaden sound should for part of the western face of the wall, to the satisfaction of the Responsible Authority and the form and extent of that coating should be specified on the plans.
3. The use of the Facility, other than in respect of use by Brighton Secondary College, may only occur between the dates, on the days and within the hours, (all three expressed inclusively), specified in this condition, as follows:
- a) From 2 March to 31 March in any one year.
 - i) Monday, 3.30pm to 5.30pm
 - ii) Tuesday to Thursday, 3.30pm to 9.30pm
 - iii) Friday, 3.30pm to 5.30pm
 - iv) Saturday, 9.00am to 6.30pm
 - v) Sunday, 11.00am to 6.30pm
 - b) From 1 April to 30 September in any one year.
 - i) Monday to Friday, 3.30pm to 9.30pm**
 - ii) Saturday, 9.00am to 6.30pm
 - iii) Sunday, 11.00am to 6.30pm
 - c) From 1 October to 1 March in any one year.
 - i) Monday, 3.30pm to 5.30pm
 - ii) Tuesday to Friday, 3.30pm to 8pm
 - iii) Saturday, 9.00am to 8pm
 - iv) Sunday, 11.00am to 8pm



- d) Provided that use of the Facility, other than use by the Brighton Secondary College, during gazetted school holding periods shall be further limited as follows:
 - i) Between 1 February and 30 November in any calendar year, to no more than 3 days in respect of each of the holiday periods.
 - ii) Between 1 December and 31 January in the following year to no more than 3 days in any one week.
 - iii) At no time for more than 18 days over the relevant calendar year.
 - iv) Between the hours of 9.00am and 3.30pm
 - v) **During the gazetted 'winter' school holiday period, the restrictions contained at condition 3b apply.**
 - e) Provided that no use of the Facility may occur on Good Friday, Anzac Day morning or Christmas Day.
 - f) Provided that the times set out in this condition refer to the use of the Facility for practice, training or match sessions and therefore in addition to the times state in this condition people shall be allowed one half hour:
 - i) After cessation of that sporting use to leave the School Grounds, and
 - ii) Before commencement of that sporting use to enter the School Grounds.
4. The number of persons who may be on the School Grounds (including within the Facility) in association with the proposed use at any one time shall be limited to:
- a) 150 persons; or
 - b) 300 persons on not more than three occasions per calendar year with the written agreement of the Responsible Authority and the Brighton Secondary College.
5. All lighting (including floodlights to illuminate the playing surface) shall be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and specifically:
- a) A maximum of eight (8) poles to illuminate the playing surface is permitted.
 - b) Floodlight poles shall be 21 metres high, from the playing surface level.
 - c) The lights shall be of a matching specification and otherwise in accordance with details on the endorsed plans, including, as required, the fitting of any special louvres or shielding hoods.
 - d) Light spill shall not exceed 4 vertical initial lux (measured 1.0 metres above ground level) at 50 metres from the western and eastern alignment of the floodlight poles and shall not exceed 9 vertical initial lux (measured 1.0 metres above ground level) at 50 metres from the north and south alignment of the flood light poles. The flood light poles shall be located in accordance with the endorsed plans.
 - e) Floodlights shall be turned off no later than 5 minutes after any practice, training or match session ceases.



- f) Floodlights shall be fitted with, and only operate when controlled by, an automatic shut off mechanism which cannot be overridden to allow a later shut off and can allow earlier shut off. In no case shall the lights remain turned on for more than 5 minutes after the relevant finishing time referred to in Condition 3.
 - g) No floodlighting shall be permitted on Saturdays, Sundays or Good Friday.
 - h) No floodlighting shall be permitted from 1 October in any year to 1 March in the following year.
6. Day to day operation of the facility permitted under this Permit shall be in accordance with a Joint Use Agreement to be maintained between the Brighton Secondary College, Bayside City Council, Sandringham Hockey Club Inc. and the Minister for Education and such agreement shall include:
- a) The maintenance of a Management Committee to have responsibility for the management of the Facility ("The Management Committee").
 - b) An obligation that the operation of the Facility shall comply with the provisions of this planning permit.
 - c) A requirement that residents so designated in the Joint Use Agreement be entitled to address the Management Committee of the site appointed under the Joint Use Agreement, not less than on one (1) occasion every year and on every occasion there in any intention to try and amend any aspect of the operation of the Facility which is restricted or controlled by this permit.
 - d) A requirement for the Management Committee to make available to the residents so designated in the Joint Use Agreement the contact telephone number(s) of the Chairperson or other empowered person representing the Management Committee.
7. The amenity of the area shall not be adversely affected by the behaviour of patrons. Without limited the generality of this condition:
- a) At each and every practice or training or match session during the entire time that such activities are occurring or persons associated with the use are present at the Facility, a person over the age of 18 who is designated as responsible to the Management Committee for management and control of the particular session, shall be present at the Facility and immediately available to take action in respect of any breach of the permit during the operation of the Facility raised by residents or other relevant parties.
 - b) A requirement for the Management Committee to make available to the residents so design in the Joint Use Agreement the contact telephone number(s) of the Chairperson or other empowered person representing the Management Committee.
8. No nuisance (other than that necessarily occasioned by the emission of noise which is dealt with in this permit) is to be caused to persons beyond the Facility by the use permitted and without limiting the generality of this condition, specifically:
- a) No external sound amplification equipment, mega-phones or loud speakers are to be used or installed for the purpose of announcements, giving instructions, playing of music or any other purpose.



- b) No use of the Facility shall be made unless the acoustic control measures in accordance with the endorsed plans, are completed and maintained and including, if requirement to the satisfaction of the Responsible Authority, double glazing of any residential property.
 - c) Appropriate material to the satisfaction of the Responsible Authority shall be fixed to the internal area of any goals to limit noise impact.
 - d) In order to minimise the impact of the noise of balls or equipment hitting the fence, no metallic signage of any kind shall be permitted on the fence surrounding the playing surface.
9. All noise emanating from any mechanical plant (air conditioners, etc.) on the site shall comply with the State Environmental Protection Policy N-1.
 10. All parking associated with the use shall be:
 - a) Within the School Grounds, at locations shown on the endorsed plans.
 - b) Be thereafter directed to Dendy Street adjacent to the frontage of the site or Brighton Golf Course.
 11. Before the use starts all works specified in this permit shall be completed to the satisfaction of the Responsible Authority. The Responsible Authority shall be advised in writing when all works are completed to enable the Facility to be inspected.
 12. The use of the Facility as a Minor Sports Ground shall be limited as follows:
 - a) Competition matches for either junior or senior hockey shall only be permitted on Monday & Wednesday nights and on Saturdays & Sundays until 6.30pm and otherwise in accordance with the hours of operation in Condition 3.
 - b) Subject to Conditions 12 a) and 12 c), the Facility shall not be used for other than training and practice sessions.
 - c) The Facility may be used for another function or match in respect of any sport for social or promotional or charitable purposes and may only occur with the written consent of the Responsible Authority and the Brighton Secondary College.
 13. The Facility shall be kept drained, tidy and maintained at all times to the satisfaction of the Responsible Authority.
 14. No materials or goods shall be stored or left exposed outside the building so as to be visible from any public road, the School Grounds or adjacent land.
 15. The amenity of the area shall not be detrimentally affected by the use, through the:
 - a) Carrying out of the use (including, but not limited to, the striking of balls or equipment in any way other than on the Facility synthetic playing surface).
 - b) Transport of persons, materials, goods or commodities to or from the land.
 - c) Appearance of any building, works or materials.
 - d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - e) Presence of vermin.



16. A schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascia, window frames, paving, lights and fencing.
17. All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) which is proposed to be located externally shall be identified on plans and located to the satisfaction of the Responsible Authority and an endorsed copy of such plan shall form part of this permit. Such plan shall be endorsed prior to commencement of construction and shall include plan and evaluation details.
18. Prior to the commencement of the development, the report of a qualified arborist shall be provided to the Responsible Authority which shall address what impacts (if any) footings, services or structures proposed on the land may have on the trees that are proposed to be retaining along the southern boundary of the site. If any impacts are assessed, such measure to the satisfaction of the Responsible Authority shall be undertaken to modify the design and ensure that during the construction of the development the trees identified in the report as likely to suffer an impact are not unreasonably damaged.
19. Before the use hereby permitted starts three copies of landscape plan drawn to scale and dimensioned shall be submitted to and approved by the Responsible Authority. Once endorsed, this will form part of the permit. The plan shall:
 - a) Show the proposed landscape treatment including the location of all existing and proposed species.
 - b) Show suitable mature evergreen trees between the Facility and the residencies, which will assist in filtering views of the Facility.
 - c) Be accompanied by a detailed analysis of how view are filtered by the species chosen and the number of trees used.
20. Prior to the use allowed by this permit of the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans shall be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
21. All existing vegetation shown on the endorsed plans shall be suitable market before any development starts of the School Grounds and that vegetation shall not be removed, destroyed or lopped without the written consent of the Responsible Authority.
22. This permit will expire if the use is not started within two years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.
23. An existing crossing on Marriage Road, to the north-west corner of the land, may be retained until the portable classrooms within the School Grounds are removed. The crossover and driveway must only be used in association with the removal of the classrooms from the land. The driveway is to be secured to prevent vehicle access at other times, with a gate or other barrier that complements the form of fencing along Marriage Road, to the satisfaction of the Responsible Authority.



